

MINUTES

UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING

October 9, 2003

Board Members Present:

Judy Lever, Chair; Dianne Nielson; Lowell Peterson; William Doucette; Scott Widmer; Kenneth Alkema; Cullen Battle; John Newman.

By Telephone:

Michael Brehm

Staff Members Present:

Dennis R. Downs, Executive Secretary; Brad T. Johnson, UST Executive Secretary; Marilyn Ratcliffe; Arlene Lovato; Scott Anderson; Cheryl Prawl; Rusty Lundberg; Martin Gray, Boyd Swenson; Rocky Stonestreet; Carl Wadsworth; John Waldrip; Don Verbica; Dale Marx.

Others Present:

Rex Funk, Stephen Salas, Richard Rathbun, Mark Williams, Dave Spencer, Raymond Wixom, Kris Snow, Michael O'Hara, Gina Ray, Dan Shrum, Wayne S. Christensen, Clint Warby, Chris Lilley, Karl Libech.

When planning on attending the SHW Control Board Meeting by teleconference, it is suggested that participants contact Marilyn at least 24 hours ahead of time in order to make the necessary arrangements for a conference telephone.

- I. The meeting was called to order at 1:05 PM.
- II. It was moved by John Newman and seconded by Lowell Peterson, and unanimously carried that the minutes for September 11, 2003 be approved.
- III. UST Issues - Brad Johnson

UST STATISTICS REPORT	August	September	Difference from August
Number of current tanks with a Certificate of Compliance	4,005	3,967	(38)
Number of Tanks with a Certificate of Compliance on the PST Fund	3,563	3,537	(26)
Number of tanks regulated	4,181	4,162	(19)

Number of LUST Sites closed to date	3,623	3,631	8
Total PST sites with claims or expected claims	480	481	1
PST Fund Balance	(\$71,417,235.00)	(\$70,459,385.00)	(\$957,850.00)
PST Assets Total	\$10,774,166.00	\$10,872,750.00	\$98,584.00
Loan Fund – Total Loans Made to Date	68	68	0
Total Amount Loaned to Date	\$1,847,797.60	\$1,847,797.60	\$0.00

The Division of Environmental Response and Remediation (DERR) is proposing changes to the Underground Storage Tank (UST) Rules. These changes are intended to streamline and clarify existing rules and address unresolved issues. Mr. Johnson stated that a mailing has been sent out to approximately 300 UST stakeholders requesting comments on the proposed changes to the UST Rules. Division staff will evaluate all the stakeholders' comments received and anticipate presenting the proposed rule changes to the Board in the November or December meeting.

IV. Final Adoption of Proposed changes to the Solid Waste Rules - Ralph Bohn

The proposed changes to the Solid Waste Rules went out for public comment period beginning September 1, 2003 and ended on October 1, 2003. After the Board information packet was sent to the Board, two comments were received from the public.

One comment concerned support for changing the Solid Waste Rules to allow dead animals to be disposed in a commercial construction/demolition landfill (Class VI Landfill) indicating that the change could have a positive impact on animal agriculture in Utah.

The second comment is from the Solid Waste Special Services District #1 out of Moab, and had to do with interpretation of the rules as to entities that must apply for a Solid Waste Permit. Also, there was comment made concerning typographical errors in Subsections R315-303-3(4) and R315-305-5(5)(b)(iii) - The misspelling of waiver and the incorrect citation of a rule. The corrections will be made.

****It was moved by Bill Doucette and seconded by Scott Widmer, and unanimously carried that the proposed changes in the twelve Solid Waste Rules be approved, with an effective date of October 15, 2003.**

V. Used Oil Program

- A. Stipulation and consent Order between the board and Valley Oil Transportation, Inc.

Valley Oil Transportation is a used oil transporter in Utah. An inspection was performed on August 28, 2002 and violations were noted. Findings during this inspection resulted in the issuance of a Notice of Violation (NOV).

Findings included: 1) using expired halogen test kits to determine whether used oil it was transporting had been mixed with hazardous waste; and, 2) recording qualitative results based on quantitative halogen test kits.

To resolve the NOV, a proposed Stipulation and Consent Order (SCO) was negotiated. Under the terms of the proposed SCO, Valley Oil will pay \$11,920, to be paid over a period of one year in monthly installments.

A 30-day public comment period on the proposed SCO began on September 18, 2003 and will end on October 17, 2003.

B. Overview of the Used Oil Program

Utilizing a power point presentation, Cheryl Prawl gave an overview of Utah's Used Oil Program. A copy of this presentation is available at the Division office should someone want a copy.

VI. Commercial/Federal Facilities - Don Verbica

A. Stipulation and Consent Order (SCO) between the Board and Envirocare

Kenneth Alkema and Cullen Battle abstained from discussions and from voting on this issue due to conflict of interest.

This item was before the Board as an informational item last month, September 11, 2003. The SCO between the Board and Envirocare went out for public comment on September 2, 2003 and ended on October 2, 2003. There were no comments received during the comment period.

Scott Widmer questioned concerning the two Board members who abstained from the vote, and asked if it would leave the Board without a quorum. Judy noted that Michael Brehm was still on the teleconference line, which made the count of seven, and constituted a quorum.

Mr. Downs went on to clarify that should the number of people who did not abstain drop below seven, there would still be a quorum so long as there is a quorum in the meeting, whether they are voting or not. The vote would constitute of the majority of those voting.

****It was moved by Bill Doucette and seconded by Scott Widmer, and majority ruled that the SCO between the Board and Envirocare be approved. Cullen Battle, and Kenneth Alkema abstained from the vote due to conflict of interest.**

B. Clean Harbors Aragonite request for variance - Don Verbica/Boyd Swenson

Clean Harbors Aragonite is preparing for trial burn testing during October 2003. Part of the trial burn demonstration will be to show that the incinerator and the associated gas cleaning train can

control metal emissions to the limits specified in the Clean Harbors Aragonite permit. In order to demonstrate successful metals emission control, testing is conducted under worst-case operating conditions, including high metals concentrations in the waste being fed during the test. Aragonite has identified specific waste streams containing sufficient concentrations of lead and chromium to be effective substitutes for commercial products as a source of raising the metals concentrations in the waste feed. These waste streams are prohibited by rule from being incinerated due to the absence of accompanying organic material in the wastes.

Aragonite is requesting a variance from the prohibition in order to conduct the trial burn using hazardous waste streams in lieu of commercial chemical products as a source for certain metals.

The public comment period for this request began on September 9, 2003 ended on October 8, 2003, with a public hearing held on September 30, 2003. No comments have been received.

****It was moved by Scott Widmer and seconded by Bill Doucette, and the majority ruled that the request for variance from Clean Harbors Aragonite be approved. Lowell Peterson recused himself from this discussion and vote because of a conflict of interest.**

VII. Chemical Demilitarization

A. TOCDF Update

Last month the Board was informed that TOCDF would be shutting down for a scheduled maintenance activity that would last one month. They have completed that activity and have begun operations in the metal parts furnace, where they are burning ton containers and projectiles that have been emptied. They are performing this activity under a temporary authorization because of some issues that the Division has been dealing with in the discharge air lock area. The temporary authorization is set in a phased approach that allows them first to gather some data on their monitoring capability. This data will be used for completing a Class III Modification, which would allow them to go into full shakedown and prepare for a complete trial burn.

EG&G has been given approval by EPA to complete some more test burns with the deactivation furnace in order to collect PCB data. Initially, EPA had ordered them to discontinue operations due to questions concerning PCBs. They will need to draft authorization to go from a post shakedown operation, which operates at 50% of what was demonstrated. They will then go back to 100% to conduct further testing.

VIII. Other Business

A. Board field trips

There was a request to visit an oil refinery and a used oil processing facility. Scott Widmer of the SHW Board has invited the Board to visit Chevron Oil Refinery. This could be performed in the same way as the visit to the Salt Lake Landfill by closing the Board Meeting by 2:30 p.m. and reconvening at the site to be visited, which in this case would be Chevron Oil Refinery in November. It was thought that there would be time to visit both Chevron Refinery as well as

Golden Eagle, which is a used oil refinery, and is only a few miles further north from Chevron. Marilyn will contact the Board members to get a count on who will be attending the field trip after the November Board Meeting.

Judy Lever had previously sent an e-mail to the Board members with a summary of her notes taken at the October Board Meeting outlining further possibilities of field trips in the future. Further discussions will take place concerning her expectations.

- IX. The next Board meeting will be held on November 13, 2003 at 1:00 p.m., in the DEQ Building #2 Conference Room #101.
- X. At 2:30 p.m. it was moved by John Newman and seconded by Bill Doucette, and unanimously carried to adjourn and reconvene the meeting at the Salt Lake Valley Landfill at 3:00 p.m. The Board reconvened at the Salt Lake Valley Landfill where the Board toured the facility. Minutes of this tour are attached.

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MINUTES

UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD SITE VISIT SALT LAKE VALLEY SOLID WASTE MANAGEMENT FACILITY October 9, 2003

Board Members Present: Judy Lever, Lowell Peterson, John Newman,
Ken Alkema

Staff Members Present: Rusty Lundberg, Ralph Bohn

Others Present: Salt Lake Valley Solid Waste Management Facility staff -
Romney Stewart, Dan Bauer, Tom Burrup

Board Counsel - Richard Rathbun

Tour of facility began at 2:40 p.m.

Romney Stewart, Executive Director, Salt Lake Valley Solid Waste Management Council, gave an introductory overview of the facility. Mr. Stewart addressed such areas as the site acreage, current and past site operations and capabilities, cell construction, future planning efforts, and potential end-use plans for the property following closure.

Tour participants were given an on-site tour of the facility. Board members and other tour participants were able to ask questions of the facility staff regarding specific functions, waste handling procedures/systems, monitoring systems, etc. during the tour.

The following specific areas of the landfill facility were viewed by tour participants:

- Public compost loading
- Composting
- Residential unloading
- Closed cell area
- Active disposal face
- ET Technologies sludge recycling/soil regeneration operations
- Household hazardous waste collection
- Green waste unloading and shredding
- Wildlife/wetlands habitat

Tour participants also observed operational systems such as:

- Gas collection and flaring system
- Leachate collection system

Tour concluded at 3:35 p.m.